REMARKS

Claims 1, 2, 4 - 12, 14 - 22 and 24 are pending. By this amendment, claims 1, 11, 18 and 24 are amended. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

On page 2 the Office Action rejects claims 1, 2, 4 - 12, 22 and 24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Office Action contends that "the use of a 'generic output' was not described in the specification in such a way as to enable one skilled in the art ... to make and/or use the invention ... [and] [t]he specification fails to disclose any type of generic output format ... it is unclear ... when collected service performance information is translated into a generic output how either the scriptable interface or the application programming interface would know how to appropriately read and process service performance information because nowhere is there clear definition as to what type of format is deemed acceptable ... ."

First, independent claims 1, 11, and 18, and dependent claim 24 are amended to correct an error introduced during in the May 24, 2006 Supplemental Amendment. These claims now read "the generic output is one of a scriptable interface and an application programming interface." This amendment is clearly supported in the specification, for example at page 7, lines 16 - 20: "The output of the method may be either in the form of a programmatic or scriptable interface to be used by high-level monitoring tools that are capable of reporting status of many disparate computer services. the tools may reside on different systems and architectures and may be supplied by different vendors. To accommodate different performance monitoring tools, the interfaces are <u>generic</u> and flexible." (Emphasis provided.)

As is clear from the above paragraph, and from a casual reading of the specification, the format of the generic output is a scriptable interface or an application programming interface. Figure 2 provides an example of eight health metrics that can be provided through this generic output, and the specification provides examples of how (i.e., the format) certain of these health metrics would be reported. Clearly, the scriptable interface and the application programming interface do not "read and further process service performance information" as the Office Action suggests. Instead, the interfaces merely provide the transformed information to the performance monitoring tools.

Second, it is well known in the art of computer programming that a generic interface is an interface "defined at a level that is independent of any particular programming language" or a "version of an interface that is independent of any particular programming

language." *See* IEEE Standard Dictionary of Electrical and Electronics Terms, 6th ed, page 453 (copy attached). As noted in the specification at page 7, lines 13 - 14, "[t]he method is independent of specific provider applications and management tool sets ... ."

Third, despite the Examiner's contention to the contrary, the specification does provide examples of how the extracted health metrics data may be transformed. *See, e.g.*, page 12, lines 2 - 14:

> The data derivation module 133 may operate in connection with known methods for extracting information from a service. One such method involves writing a wrapper program to extract the performance information ... a wrapper may be written for a database application. Every time a database call is made, the call goes through the wrapper. Upon transmission of the call, the wrapper records a start time. When the database call is complete, the wrapper records a stop time. The difference between the start and stop times may be computed and reported as a performance metric ... .

See also, page 13, lines 11 - 20:

> The rules set 127 provides algorithms and rules to translate the metrics supplied by the data collection engine 121 into a generic format that is usable by the performance monitoring tools. Any collected ... information may be translated to conform to one of the eight metrics shown in Figure 2. If a service uses an instrumented system, the system may be instrumented to report response time. For example, if an ARM agent average response time is collected by the data collection engine 121, the collected information may be translated into the Service Time output metric. If no other rule has applicability to Service Time, then the ARM agent input will have exclusive control over the Service Time metric, and the rules 127 may not perform any translation.

Thus, despite the Examiner's assertion that "there is provided no real guidance ... of actual working examples," the specification does indeed provide examples of transformation of collected health metrics information into a format that is useable by performance monitoring tools. Using these example, one of ordinary skill in the art would know how to write additional rules to transform collected health information into formats useable by any performance monitoring tool.

In view of the above remarks, and further in view of the remarks provided with the February 13, 2006 Response, Applicant respectfully contends that the claims are enabled as required by 35 U.S.C. § 112, first paragraph. Withdrawal of the rejection of claims 1, 2, 4 - 12, 22 and 24 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

On page 4 the Office Action rejects claims 1, 2, and 4 - 10 under 35 U.S.C. § 112, second paragraph. Claim 1 is amended. Withdrawal of the rejection of claims 1, 2, and 4 - 10 is respectfully requested.

On page 5 the Office Action rejects claims 1, 2, 4 - 6, 8 - 12, 14, 15, 17 - 22 and 24 under 35 U.S.C. § 103(a) over U.S. Patent 6,876,988 to Helsper (hereafter Helsper) in view of U.S. Patent 6,816,898 to Scarpelli (hereafter Scarpelli). This rejection is respectfully traversed.

Considering claim 1, the Office Action asserts that Helsper teaches all that is recited except that Helsper does not "explicitly recite 'wherein the generic output is accessible by one of a scriptable interface and an application programming interface.'" The Office Action then asserts that Scarpelli teaches use of script programs and APIs for the processing of input data and concludes that it would have been obvious "to utilize a script interface or an application programming interface when the reading in of performance information is necessitated."

Helsper is directed to a forecasting system that produces near-term predictions of future network performance of e-business systems and system components. Helpser, however, does not provide <u>a generic output relating to current operational performance of the service</u>, as recited in claim 1. That is, the claimed "generic output" is an interface that allows the health metrics to be used without any need to know how the health metrics were derived, and that removes any dependencies between the services, their implementation, and the management tool set. As thus defined, the claimed generic output has a specific meaning that is not addressed in Helsper.

Scarpelli is directed to a system that collects performance management information. Scarpelli, however, does not cure the defects in Helsper in that Scarpelli does not disclose or suggest a generic output relating to current operational performance of a service, as recited in claim 1. Rather, Scarpelli uses APIs to integrate custom scripts, not generic scripts. See column 4, lines 57 - 60.

Independent apparatus claim 11 recites:

> a data analysis engine that translates the collected service health information ... and provides one or more generic health metrics relating to current operational performance of the service, wherein the one or more generic health metrics is one of a scriptable interface and an application programming interface, and usable by different performance monitoring tools."

Helsper and Scarpelli, individually and in combination, do not disclose or suggest providing generic health metrics relating to current operational performance of the service, and that the

health metrics comprise one of a scriptable interface and an application programming interface usable by different performance monitoring tools, as claimed. Accordingly, claim 11 is also patentable.

Independent method claim 18 recites providing "generic service health output relating to current operational performance of the service" that is "one of a scriptable interface and an application programming interface usable by the different performance monitoring tools." As described above, Helsper and Scarpelli, individually and in combination, do not disclose or suggest these features. Accordingly, claim 18 is also patentable.

Independent apparatus claim 21 recites a health generator module including "an output module that outputs the generic health metrics relating to current operational performance of the service, wherein the generic health metrics are in a format usable by different performance monitoring tools." As described above, Helsper and Scarpelli do not disclose or suggest these features. Accordingly, claim 21 is also patentable.

Claims 2, 4 - 6, and 8 - 10 depend form patentable claim 1; claims 12, 14, 15 and 17 depend from patentable claim 11; claims 19 and 20 depend from patentable claim 18; and claims 22 and 24 depend from patentable claim 21. For these reasons and the additional features they recite, claims 2, 4 - 6, 8 - 10, 12, 14, 15, 17, 19, 20, 22, and 24 are also patentable. Withdrawal of the rejection of claims 1 - 6, 8 - 15, and 17 - 22 under 35 U.S.C. § 103(a) is respectfully requested.

On page 14 the Office Action rejects claim 7 under 35 U.S.C. § 103(a) over Helsper and Scarpelli and further in view of U.S. Patent 5,949,976 to Chappelle. This rejection is respectfully traversed.

Claim 7 depends from patentable claim 1, and for this reason and the additional features it recites, claim 7 is also patentable. Withdrawal of the rejection of claim 7 under 35 U.S.C. § 103(a) is respectfully requested.

On page 15 the office action rejects claim 16 under 35 U.S.C. § 103(a) over Helsper and Scarpelli and further in view of U.S. Patent 6,647,413 to Warland. This rejection is respectfully traversed.

Claim 16 depends from patentable claim 11, and for this reason and the additional features it recites, claim 16 is also patentable. Withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Attachment

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generic interface (1) The interface, defined at a level that is independent of any particular programming language. (C/PA) 1224-1993, 1327-1993, 1328-1993 **(2)** A version of an interface that is independent of any particular programming language. (C/PA) 1224.1-1993, 1326.1-1993

generic program unit A software module that is defined in a general manner and that requires substitution of specific data, instructions, or both in order to be used in a computer program. *See also:* instantiation. (C) 610.12-1990

generic qualification (Class 1E connection assemblies) Qualification to a set of requirements designed to envelop the service conditions plus margin of a number of specific applications. (PE) 572-1985r

generic response spectra (GRS) The response spectra that define the seismic ratings of metal-enclosed power switchgear. (PE/SWG) C37.100-1992, C37.81-1989r

genetic effect An alteration in DNA material within the cell. If germ cells (sperm, egg) are involved, mutations in offspring can result. If somatic (all other) cells are involved, effects such as premature aging or cancer can result. (PE/T&D) 539-1990

geocentric latitude (navigation) The acute angle between A) a line joining a point with the earth's geometric center and B) the earth's equatorial plane. (AE) [42], 686-1982s

geocentric vertical *See:* geometric vertical.

geodesic The shortest line between two points measured on any mathematically derived surface that includes the points. *See also:* navigation. (AE) [42], 686-1982s

geodesic lens antenna A lens antenna having a two-dimensional lens, with uniform index of refraction, disposed on a surface such that the rays in the lens follow geodesic (minimal) paths of the surface. (AP) 145-1993

geodetic latitude (navigation) The angle between the normal to the spheroid and the earth's equatorial plane: the latitude generally used in maps and charts. Also called geographic latitude. *See also:* navigation. (AE) [42], 686-1982s

geographical address (GA) (1) A unique identifier assigned to each physical module slot on the bus and assumed by any module connected to that slot. (BA/C) 10857-1994, 896.3-1993, 896.4-1993 **(2)** A unique identifier statically assigned to each slot by the backplane. (BA/C) 896.2-1991 **(3)** The primary address of a device based on the physical (geographical) location of the module, and determined by coded backplane pins, or (on a cable segment) by switches. For a crate segment geographical address zero is for the right-most position when the crate is viewed from the front and the address increases by one for each module position moved to the left. 960-1993

geographical address control (GAC) (FASTBUS acquisition and control) Logic associated with each segment for supervising and generating signals for geographical addressing. 960-1993

geographical addressing A scheme wherein each slot in the backplane is assigned a unique address. This address can be read by the board that is installed in the slot. The VSB specification defines the use of the geographical address for two purposes: (A) It forms part of the interrupt ID used during an interrupt-acknowledge cycle and, (B) it forms part of the arbitration ID used during a parallel arbitration cycle. The geographical address can also be used to set global board variables such as the base address of a memory board. (C/MM) 1096-1988

geographic latitude *See:* geodetic latitude.

geographic vertical The direction of a line normal to the surface of the geoid. *See also:* navigation. (AE) [42], 686-1982s

geoid The shape of the earth as defined by the hypothetical extension of mean sea level continuously through all land masses. *See also:* navigation. (AE) [42], 686-1982s

geomagnetically induced currents *See:* solar induced currents.

geomagnetic induced currents (GIC) Spurious, quasidirect currents flowing in grounded systems due to a difference in the earth surface potential caused by geomagnetic storms resulting from the particle emission of solar flares erupting from the surface of the sun. (PE) 367-1996

geometrical adjectives (A) (pulse terminology) *Trapezoidal.* Having or approaching the shape of a trapezoid. **(B) (pulse terminology)** *Rectangular.* Having or approaching the shape of a rectangle. **(C) (pulse terminology)** *Triangular.* Having or approaching the shape of a triangle. **(D) (pulse terminology)** *Sawtooth.* Having or approaching the shape of a right angle. *See also:* composite waveform. **(E) (pulse terminology)** *Rounded.* Having a curved shape characterized by a relatively gradual change in slope. (IM) 194-1977w

geometrical factor (navigation) The ratio of the change in a navigational coordinate to the change in distance, taken in the direction of maximum navigational coordinate change: the magnitude of the gradient of the navigational coordinate. *See also:* navigation. (AE) [42], 686-1982s

geometric correction An image restoration technique in which a geometrical transformation is performed on an image to compensate for geometrical distortions. (C) 610.4-1990

geometric dilution of position (GDOP) (radar) An expression which refers to increased measurement errors in certain regions of coverage of the measurement system. It applies to systems which combine several surface of position measurements such as range only, angle only, or hyperbolic (range difference) to locate the object of interest. When two lines of position cross at a small acute angle, the measurement accuracy is reduced along the axis of the acute angle. (AE) 686-1982s

geometric dilution of precision An increase in measurement errors in certain regions of coverage of a measurement system that combines several surface-of-position measurements, such as range only, angle only, or range difference (hyperbolic) to locate the object of interest. When two lines of position cross at a small acute angle, the measurement accuracy is reduced along the axis of the acute angle. (AE) 686-1990w

geometric distortion (television) The displacement of elements in the reproduced picture from the correct relative positions in the perspective plane projection of the original scene. (BT) 201-1979w

geometric factor (cable calculations) (power distribution, underground cables) A parameter used and determined solely by the relative dimensions and geometric configuration of the conductors and insulation of a cable. (PE) [4]

geometric inertial navigation equipment The class of inertial navigation equipment in which the geographic navigational quantities are obtained by computations (generally automatic) based upon the outputs of accelerometers whose vertical axes are maintained parallel to the local vertical, and whose azimuthal orientations are maintained in alignment with a predetermined geographic direction (for example, north). *See also:* navigation. (AE) [42], 686-1982s

geometric mean The numerical result obtained by taking the *n*th root of the product of *n* quantities, *n* being equal to or greater than two. *Note:* In radio noise measurements, geometric means have been used to determine the long-line frequency spectrum from the short-line frequency spectrum by taking the geometric mean of the maximum and minimum values in microvolts per meter across the spectrum (or the arithmetic mean of values in decibels). (PE/T&D) 539-1990

geometric optics (fiber optics) The treatment of propagation of light as rays. *Note:* Rays are bent at the interface between two dissimilar media or may be curved in a medium in which refractive index is a function of position. *See also:* axial ray; meridional ray; optical axis; paraxial ray; physical optics; skew ray. (Std100) 812-1984w